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**PATENT**  
Attorney Docket No. 207596  
DHHS Reference No. E-200-1998/0-US-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Erickson et al.

Application No. 09/720,276

Art Unit: 1648

Examiner: Emily Le

Filed: March 7, 2001

For: FITNESS ASSAY AND ASSOCIATED  
METHODS

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated November 5, 2003 ("Office Action"), please enter the following amendments and consider the following remarks. Please also consider the attached Declaration Under 37 C.F.R. § 1.132 of Dr. Hiroaki Mitsuya ("Declaration").

<b>CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8</b>			
I hereby certify that this Amendment and Response to Office Action and all accompanying documents are, on the date indicated below, <input checked="" type="checkbox"/> being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or <input type="checkbox"/> being facsimile transmitted to the U.S. Patent and Trademark Office, Attention: Examiner _____, Art Unit _____, Facsimile Number _____.			
Name (Print/Type)	Kenneth P. Spina		
Signature	Ken Spina	Date	May 4, 2004